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Sun Microsystems, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SUN MICROSYSTEMS, INC.,
Plaintiff/Counterdefendant,
v.
NETWORK APPLIANCE, INC.,
Defendant/Counterplaintiff.

CASE NO. C-07-05488 EDL

**STIPULATION AND [PROPOSED]
ORDER SETTING HEARING DATE ON
SUN MICROSYSTEMS, INC.'S MOTION
TO STRIKE SUPPLEMENTAL EXPERT
REPORT OF GREGORY GANGER
REGARDING INFRINGEMENT OF U.S.
PATENT NOS. 6,868,417 AND 7,107,385
AS MODIFIED**

WHEREAS, Sun Microsystems, Inc. ("Sun") is filing a motion to strike the December 16, 2009 Supplemental Expert Report of Gregory Ganger Regarding Infringement of U.S. Patent Nos. 6,868,417 and 7,107,385 ("Sun's Motion to Strike the Supplemental Ganger Report");

WHEREAS, under the regular motion schedule, Sun's Motion to Strike the Supplemental Ganger Report would be heard on January 26, 2010;

1 WHEREAS, the Court will hear oral arguments regarding Sun's Motions for Summary
2 Judgment of Non-Infringement of U.S. Patent No. 6,868,417 and Invalidity of U.S. Patent No.
3 7,107,385 on January 27, 2010 at 2:00 p.m.;

4 WHEREAS, it would be more convenient for the Court and the parties to schedule Sun's
5 Motion to Strike the Supplemental Ganger Report on January 27, 2010 rather than January 26,
6 2010;

7 THEREFORE, IT IS HEREBY STIPULATED by Sun and NetApp that:

8 Sun's Motion to Strike the Supplemental Ganger Report will be heard on Wednesday,
9 January 27, 2010 at 2:00 p.m. The briefing schedule will remain as before.

10 Dated: December 22, 2009

11 DLA PIPER LLP (US)

12 /s/ Christine K. Corbett

13 CHRISTINE K. CORBETT

14 Attorneys for Plaintiff,
15 Sun Microsystems, Inc.

16 Dated: December 22, 2009

17 WEIL, GOTSHAL & MANGES LLP

18 /s/ Jill J. Ho

19 JILL J. HO

20 Attorneys for Defendant,
21 NetApp, Inc.

22 **IT IS SO ORDERED.**

23 Dated: December 23, 2009

24 Elijah D. Laporte

25 ELIZABETH D. LAPORTE
26 United States Magistrate Judge